

STATE OF MISSOURI
COUNTY OF AUDRAIN

Case No.

Felony

**IN THE CIRCUIT COURT OF AUDRAIN COUNTY, MISSOURI
ASSOCIATE CIRCUIT DIVISION**

STATE OF MISSOURI,	)	Charges:
	)	Count I – Unlawful Merchandising Practices
	)	\$407.020, RSMo Mo. Code: 1936807.0 - NCIC 2607
Plaintiff,	)	Punishable by §§558.011 and 560.011.1, RSMo
)	
v.	)	Count II – False Financial Statement by Grain Dealer
	)	\$276.421.6, RSMo Mo. Code: 1945007.0 - NCIC 2607
CATHY M. GIESEKER,	)	Punishable by §§558.011 and 560.011.1, RSMo
)	
Defendant.	)	Count III, IV, V, VIII and IX – Stealing by Deceit
	)	\$570.030, RSMo - Mo. Code: 1501807.0 - NCIC 2307
	)	Punishable by §558.011, RSMo
)	
Address:	)	Count VI and VII – Stealing by Deceit
35424 Audrain Road 708	)	\$570.030, RSMo - Mo. Code: 1502107.0 - NCIC 2307
Martinsburg, MO 65264	)	Punishable by §§558.011 and 560.011.1, RSMo
)	
DOB: 06/26/1964	)	Counts X, XI and XII – False Record or Withholding
SSN: 497-52-1900	)	Accounts by Grain Dealer
W/F	)	\$276.536.4, RSMo Mo. Code: pending
Ht: 5’2” Wt: 130	)	Punishable by §§558.011 and 560.011.1, RSMo

FELONY COMPLAINT
AND REQUEST FOR A WARRANT

COUNT I

The Attorney General of the State of Missouri charges that the Defendant Cathy M. Giesecker, in violation of Section 407.020.1 and 407.020.3, RSMo, committed the class D felony

of unlawful merchandising practices, punishable upon conviction under Sections 558.011 and 560.011.1, RSMo, in that on numerous occasions beginning in or about October 2007 through in or about February 2009 in the County of Audrain, State of Missouri, the Defendant, in connection with the offer and sale of grain in trade and commerce, willfully, knowingly, and with the intent to defraud, misrepresented to farmers that the Defendant had contracts with Archer Daniels Midland Company that guaranteed above-market prices for grain, when, in fact, the Defendant actually delivered and sold the grain to Archer Daniels Midland Company at the “spot price,” a price for immediate settlement and delivery.

COUNT II

The Attorney General of the State of Missouri charges that the Defendant Cathy M. Giesecker, in violation of Section 276.421.6, RSMo, committed the class C felony of preparing a false financial statement by a grain dealer, punishable upon conviction under Sections 558.011 and 560.011.1, RSMo, in that on or about June 12, 2008, in the County of Audrain, State of Missouri, the Defendant knowingly prepared or assisted in the preparation of an inaccurate and false financial statement submitted to the Department of Agriculture, by representing that her accounts payable balance was \$614,848, when, in fact, the balance was in excess of \$5,450,000.

COUNT III

The Attorney General of the State of Missouri, as Special Prosecuting Attorney of Audrain County, charges that the Defendant Cathy M. Giesecker, in violation of Section 570.030, RSMo, committed the class B felony of stealing by deceit, punishable upon conviction under Sections 558.011, RSMo, in that from on or about July 8, 2008, through July 14, 2008, in the

County of Audrain, State of Missouri, the Defendant appropriated wheat of a value of at least twenty-five thousand dollars, which property was owned by Glenn Roethemeyer, and Defendant appropriated such property from Glenn Roethemeyer, and with the purpose to deprive him thereof by deceit in that the Defendant represented to Glenn Roethemeyer that Defendant had arranged with Archers Daniels Midland Company for the wheat to be hauled to Archers Daniels Midland Company in St. Louis, Missouri under a delayed price hedge to arrive contract to be paid in January, 2009, which representation was false and known by Defendant to be false and Glenn Roethemeyer relied on the representation and was induced to part with such property.

COUNT IV

The Attorney General of the State of Missouri, as Special Prosecuting Attorney of Audrain County, charges that the Defendant Cathy M. Gieseke, in violation of Section 570.030, RSMo, committed the class B felony of stealing by deceit, punishable upon conviction under Sections 558.011, RSMo, in that from on or about October 23, 2008 through October 24, 2008, in the County of Audrain, State of Missouri, the Defendant appropriated soybeans of a value of at least twenty-five thousand dollars, which property was owned by Howard Fort, Bob Fort and Geraldine Fort, and Defendant appropriated such property from Howard Fort, Bob Fort and Geraldine Fort, and with the purpose to deprive them thereof by deceit in that the Defendant represented to Howard Fort that Defendant had arranged with Archers Daniels Midland Company for the soybeans to be hauled to Archers Daniels Midland Company in Mexico, Missouri under a delayed price contract for sale of the soybeans after January 1, 2009, which representation was false and known by Defendant to be false and Howard Fort, Bob Fort and Geraldine Fort relied

on the representation and were induced to part with such property.

COUNT V

The Attorney General of the State of Missouri, as Special Prosecuting Attorney of Audrain County, charges that the Defendant Cathy M. Gieseke, in violation of Section 570.030, RSMo, committed the class B felony of stealing by deceit, punishable upon conviction under Sections 558.011, RSMo, in that from on or about October 28, 2008, through November 10, 2008, in the County of Audrain, State of Missouri, the Defendant appropriated soybeans of a value of at least twenty-five thousand dollars, which property was owned by Gary Windmann, and Defendant appropriated such property from Gary Windmann, and with the purpose to deprive him thereof by deceit in that the Defendant represented to Gary Windmann that Defendant had arranged for the soybeans to be stored by Archers Daniels Midland Company in Mexico, Missouri until such time as Gary Windmann consented to the sale of the soybeans, which representation was false and known by Defendant to be false and Gary Windmann relied on the representation and was induced to part with such property.

COUNT VI

The Attorney General of the State of Missouri, as Special Prosecuting Attorney of Audrain County, charges that the Defendant Cathy M. Gieseke, in violation of Section 570.030, RSMo, committed the class C felony of stealing by deceit, punishable upon conviction under Sections 558.011 and 560.011.1, RSMo, in that from on or about October 31, 2008 through November 21, 2008, in the County of Audrain, State of Missouri, the Defendant appropriated

soybeans of a value of at least five hundred dollars, which property was owned by Harold Wilson, Kathryn Wilson, and Janette Grossmann, and Defendant appropriated such property from Harold Wilson, Kathryn Wilson, and Janette Grossmann, and with the purpose to deprive them thereof by deceit in that the Defendant represented to Harold Wilson that Defendant had arranged for the soybeans to be stored by Archers Daniels Midland Company in Mexico, Missouri until such time as Harold Wilson, Kathryn Wilson, and Janette Grossmann consented to the sale of the soybeans, which representation was false and known by Defendant to be false and Harold Wilson, Kathryn Wilson, and Janette Grossmann relied on the representation and were induced to part with such property.

COUNT VII

The Attorney General of the State of Missouri, as Special Prosecuting Attorney of Audrain County, charges that the Defendant Cathy M. Gieseke, in violation of Section 570.030, RSMo, committed the class C felony of stealing by deceit, punishable upon conviction under Sections 558.011 and 560.011.1, RSMo, in that from on or about November 18, 2008 through November 21, 2008, in the County of Audrain, State of Missouri, the Defendant appropriated soybeans of a value of at least five hundred dollars, which property was owned by David Williams, and Defendant appropriated such property from David Williams, and with the purpose to deprive him thereof by deceit in that the Defendant represented to David Williams that Defendant had arranged for the soybeans to be stored by Archers Daniels Midland Company in Mexico, Missouri until such time as David Williams consented to the sale of the soybeans, which representation was false and known by Defendant to be false and David Williams relied on the

representation and was induced to part with such property.

COUNT VIII

The Attorney General of the State of Missouri, as Special Prosecuting Attorney of Audrain County, charges that the Defendant Cathy M. Gieseke, in violation of Section 570.030, RSMo, committed the class B felony of stealing by deceit, punishable upon conviction under Sections 558.011, RSMo, in that from on or about September 29, 2008 through January 19, 2009, in the County of Audrain, State of Missouri, the Defendant appropriated wheat and soybeans of a value of at least twenty-five thousand dollars, which property was owned by Charles Vogt, and Defendant appropriated such property from Charles Vogt, and with the purpose to deprive him thereof by deceit in that the Defendant represented to Charles Vogt that Defendant had arranged with Archers Daniels Midland Company for the soybeans to be hauled to Archers Daniels Midland Company in Mexico, Missouri, and for the wheat to be hauled to Archers Daniels Midland Company in St. Louis, Missouri, under a hedge to arrive contract that would pay when Charles Vogt decided to sell the grain, which representation was false and known by Defendant to be false and Charles Vogt relied on the representation and was induced to part with such property.

COUNT IX

The Attorney General of the State of Missouri, as Special Prosecuting Attorney of Audrain County, charges that the Defendant Cathy M. Gieseke, in violation of Section 570.030, RSMo, committed the class B felony of stealing by deceit, punishable upon conviction under

Sections 558.011, RSMo, in that from on or about November 5, 2008, through January 29, 2009, in the County of Audrain, State of Missouri, the Defendant appropriated grain sorghum of a value of at least twenty-five thousand dollars, which property was owned by Lawrence Stuckenschneider, and Defendant appropriated such property from Lawrence Stuckenschneider, and with the purpose to deprive him thereof by deceit in that the Defendant represented to Lawrence Stuckenschneider's son, Chris Stuckenschneider, that Defendant had arranged with Archers Daniels Midland Company for the grain to be hauled to Archers Daniels Midland Company in St. Louis, Missouri under a free delayed pricing contract to be paid in January, 2009, which representation was false and known by Defendant to be false and Lawrence Stuckenschneider relied on the representation and was induced to part with such property.

COUNT X

The Attorney General of the State of Missouri charges that the Defendant Cathy M. Giesecker, in violation of Section 276.536.4, RSMo, committed the class C felony of making a false record or withholding accounts by grain dealer, punishable upon conviction under Sections 558.011 and 560.011.1, RSMo, in that on or about June 2, 2008, in the County of Audrain, State of Missouri, the Defendant submitted to an auditor with the Department of Agriculture a false record, and withheld from the auditor records, scale tickets, financial papers and accounts, in order to conceal amounts owed to farmers, actual amounts of grain received and not paid for, with the purpose of misleading Department of Agriculture auditors and officials, all by submitting to auditors records stating the Defendant did not owe any money to farmers as of June 2, 2008, withholding from the auditors and officials accounts payable to farmers, and concealing the

Defendant's obligations to more than sixty farmers to whom the Defendant owed over \$13,000,000.

COUNT XI

The Attorney General of the State of Missouri charges that the Defendant Cathy M. Giesecker, in violation of Section 276.536.4, RSMo, committed the class C felony of making a false record or withholding accounts by grain dealer, punishable upon conviction under Sections 558.011 and 560.011.1, RSMo, in that on or about September 30, 2008, in the County of Audrain, State of Missouri, the Defendant submitted to an auditor with the Department of Agriculture a false record, and withheld from the auditor records, scale tickets, financial papers and accounts, in order to conceal amounts owed to farmers, actual amounts of grain received and not paid for, with the purpose of misleading Department of Agriculture auditors and officials, all by submitting to auditors records stating the Defendant did not owe any money to farmers as of September 30, 2008, withholding from the auditors and officials accounts payable to farmers, and concealing the Defendant's obligations to more than ninety farmers to whom the Defendant owed over \$16,000,000.

COUNT XII

The Attorney General of the State of Missouri charges that the Defendant Cathy M. Giesecker, in violation of Section 276.536.4, RSMo, committed the class C felony of making a false record or withholding accounts by grain dealer, punishable upon conviction under Sections 558.011 and 560.011.1, RSMo, in that on or about February 9, 2009, in the County of Audrain,

State of Missouri, the Defendant submitted to an auditor with the Department of Agriculture a false record, and withheld from the auditor records, scale tickets, financial papers and accounts, in order to conceal amounts owed to farmers, actual amounts of grain received and not paid for, with the purpose of misleading Department of Agriculture auditors and officials, all by submitting to auditors records stating the Defendant did not owe any money to farmers as of February 9, 2009, withholding from the auditors and officials accounts payable to farmers, and concealing the Defendant's obligations to more than one hundred eighty farmers to whom the Defendant owed over \$27,000,000.

CONCLUSION

The facts that form the basis for this information and belief are contained in the attached Probable Cause Statement, made a part hereof and submitted as a basis upon which this court may find the existence of probable cause.

Wherefore, the State of Missouri prays that an arrest warrant be issued as provided by law.

Respectfully submitted,

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